

In the Drawings

Applicants submit concurrently herewith, two (2) ***Replacement Sheets***, Figures 1 – 2. The enclosed ***Replacement Sheets*** supersede the original drawings filed by Applicants on December 8, 2003 and the ***Replacement Sheets*** filed on June 29, 2007.

REMARKS

This application has been carefully considered in connection with the Examiner's Final Office Action dated September 20, 2007. Reconsideration and allowance are respectfully requested in view of the following.

Summary of Rejections

Claims 1-26 were pending at the time of the Office Action.

Claims 1, 2, 8, 16, and 20 were objected.

Claims 1-26 were rejected under 35 USC § 102(e) as being anticipated by U.S. Patent Publication No. 2004/0143811 A1 to Kaelicke, et al. (hereinafter "Kaelicke").

The drawings were objected.

The specification was objected.

Summary of Response

Claims 1, 2, 4-8, 12, 16, 20, and 26 are currently amended.

Claims 3 and 13 are canceled.

Claims 9-11, 14, 15, 18, 19, and 21-25 remain as originally submitted.

Claim 17 was previously presented.

The Drawings have been amended.

The Abstract has been amended.

Remarks and Arguments are provided below.

Summary of Claims Pending

Claims 1, 2, 4-12, and 14-26 are currently pending following this response.

Drawings

The drawings were objected to because of minor informalities: All the informalities noted in the Final Office Action have been corrected. Figure 2, block 216 now reads -- IT department gives feasibility and estimation data to customer --; Figure 2, block 226 now reads -- IT department performs requirements modeling in Discover phase --; Figure 2, block 228 now reads -- throughout Discover, IT department confirms project is meeting estimates -- as disclosed throughout the specification. Corrected drawing sheets labeled "Replacement Sheet" are filed concurrently herewith.

Specification

The abstract has been amended. Specifically, the Abstract has been amended to describe the disclosure without the use of the phrase "is disclosed".

Applicant Initiated Interview

Applicants thank Examiner Thuy Dao for his time and consideration of the proposed amendments and arguments presented in the telephone interview on October 23, 2007. In the interview, the support for the limitations of claims 1, 8, 16, and 20 was discussed with reference to paragraph 0038 of the original disclosure. Examiner Thuy Dao agreed that paragraph 0038 of the original disclosure provides implicit support for the limitations of claims 1, 8, 16, and 20. Examiner Thuy Dao also considered the

proposed amendments and suggested to further clarify that the resources are reserved prior to the development and test phase 110 of the development process of Kaelicke. In the interest of advancing prosecution, the claims have been amended herein as suggested in the interview.

Response to Objections

Claims 1, 8, 16 and 20 were objected to because of minor informalities. The Final Office Action requested that supporting text or figures in the originally filed disclosure be provided for the limitations "the planning department storing a list of the reserved resources on a computer readable medium." As mentioned above, support is implicitly provided in paragraph 0038 with the disclosure of a tool, such as a spreadsheet, that facilitates assigning projects to releases based on reservation criteria such as the availability of resources. Further, paragraph 0038 discloses that the tool compares characteristics of a new project with characteristics of similar projects in the past to provide an estimate of the resources needed for the new project.

Claim 2 was objected to because of minor informality. The limitations objected to in claim 2 have been rolled into claim 1 and amended as suggested to read "through the planning department".

Claims 16 and 20 were objected to because of minor informalities. The last two lines in both claim 16 and 20 have been amended as suggested to read -- the planning department storing a list of the reserved resources on a computer readable medium. --

Response to Rejections

The pending application relates to an Enterprise Development Process (EDP) that can be employed to facilitate the integration of enterprise architecture. EDP provides rigor to the process of enterprise-wide software development. Consistent checkpoints throughout the process allow significant events to occur in a predictable, scheduled manner. This allows for consistent planning and updates and ensures that resources are available when needed. The disclosed process allows for the reservation and verification of the availability of resources for the development process through several different methods, including the aforementioned checkpoints.

With regard to the art rejections, the Final Office Action has cited Kaelicke as teaching a system that reserves and confirms the availability of resources. However, the claims have been amended to clarify that the resources are reserved prior to a final contract with a customer and are confirmed throughout a detailed requirements analysis. While Kaelicke provides various disclosures of estimating required resources and confirming availability of resources, Kaelicke does not disclose to **reserve** the resources prior to a final contract. As disclosed in paragraph 0024 of the pending application, "The packaging and scheduling of releases can be made **more efficient and effective** by establishing a process **to reserve capacity** in standard releases **earlier** in the development life cycle" (emphasis added).

This distinction, as well as others, will be discussed in greater detail in the analysis of the pending claims that follows.

Response to Rejections under Section 102

In the Final Office Action dated September 20, 2007, claims 1-26 were rejected under 35 USC § 102(e) as being anticipated by U.S. Patent Publication No. 2004/0143811 A1 to Kaelicke, et al. (hereinafter "Kaelicke").

Claim 1:

I. Kaelicke does not disclose reserving resources prior to offering a contract to the customer.

Claim 1 as recited herein requires, "the planning department reserving resources ... prior to completing the detailed requirements analysis" and "offering the customer ... a final contract upon completion of the ... detailed requirements analysis". Therefore, the claims require that the resources are reserved prior to offering the customer a final contract.

Paragraph 0023 discloses that traditionally software projects only committed resources to the project at the end of the analysis phase. Only committing resources at that late stage may have resulted in resources not being available. This may cause the project to be rescheduled, redesigned, rescope, or abandoned. Paragraph 0024 discloses that reserving resources prior to when requirements are definitively set allows better management of a customer's expectations on delivery times and provides flexibility in making changes.

Applicants note that a search of Kaelicke for disclosure related to reservations only resulted in disclosure of the reservation of test resources in paragraph 0182. Applicants note that this reservation of resources takes place during the maintenance

phase 120 of the development process, which is well after the offering of a contract to the customer (see Fig. 1A of Kaelicke). As described in paragraphs 0225 and 0226 of Kaelicke, a contract is presented and executed by the customer at the end of the evaluation phase 105.

Kaelicke also provides various disclosure of estimating and confirming availability of resources. For example, paragraphs 0078 and 0096 disclose estimating and confirming resources for a test strategy. Similarly, paragraph 0166 discloses dispatching resources to maintain the development result. Also note paragraphs 0104, 0105, 0147, 0202, 0208, 0210, 0222, 0242, 0246, 0251, and 0269 of Kaelicke. However, these portions of Kaelicke do not disclose reserving resources prior to offering a contract to a customer.

Kaelicke does disclose a staffing/project prioritization preclarification task 1224 as part of the evaluation phase 105 prior to presenting a contract to the customer. Kaelicke discloses that the task 1224 "is directed to investigating the **availability** of resources for performance of the proposed development" (emphasis added). While Kaelicke discloses to investigate the availability of resources prior to offering a contract, Kaelicke does not disclose to **reserve** the resources prior to offering a contract, as required by claim 1 as amended herein.

II. Kaelicke does not disclose confirming the reserved resources at each step in the detailed requirements analysis.

Claim 1 has been amended to include the limitation, "wherein the detailed requirements analysis includes a plurality of steps," and has also been amended to

recite, "the planning department confirming the reserved resources at each of the plurality of steps in the detailed requirements analysis." Support for these amendments may be found throughout the original disclosure including, but not limited to, claim 13 and paragraph 0031. Note that paragraph 0031 discloses that the steps may include the steps claimed in each of dependent claims 4-7, at other logical breakpoints, or at periodic or specified time intervals.

As noted above, claim 1 has also been amended to clarify that upon completion of the detailed requirements analysis the customer is offered a final contract. Therefore, the detailed requirements analysis includes a plurality of steps that results in the offering of a contract to the customer. Also noted above, Kaelicke discloses in paragraphs 0225 and 0226 that a contract is presented and executed by the customer at the end of the evaluation phase 105. Applicants respectfully submit that Kaelicke does not disclose confirming any resources, let alone confirming reserved resources, in the evaluation phase 105 as disclosed in detail in paragraphs 0195-0226 and shown in Figs. 12A-12C.

Dependent Claim 3 has been canceled herein.

Dependent Claims 2 and 4-7 depend directly or indirectly from independent claim 1 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I and II above, Applicants respectfully submit that claims 2 and 4-7 are not anticipated by Kaelicke and respectfully request allowance of these claims.

Claim 8:

Claim 8 includes limitations substantially similar to the limitations discussed in sections I and II above. For at least the reasons established above in sections I and II, Applicants respectfully submit that independent claim 8 is not anticipated by Kaelicke and respectfully request allowance of this claim.

III. Kaelicke does not disclose scheduling the reserved resources agreed upon in the contract.

Claim 1, as amended herein, requires, "scheduling the reserved resources as agreed upon in the contract."

Because Kaelicke does not disclose reserving resources, Kaelicke also does not schedule the reserved resources. Further, it is unclear from the disclosure of Kaelicke as to when resources are scheduled for completion of the project. Paragraph 0096 of Kaelicke discloses confirming that resources are scheduled for performing tests. Kaelicke does not disclose when the resources for performing the tests are scheduled. Paragraph 0208 of Kaelicke discloses requiring a contract for the commitment of resources for a detailed evaluation of a project, but doesn't subsequently disclose a commitment of resources for actually developing projects that are approved. Paragraph 0246 of Kaelicke provides disclosure of an ARC sheet that details resource commitments. Again, Kaelicke does not provide any disclosure of when those resources are committed.

As disclosed in paragraphs 0023 and 0024 of the specification, reserving resources and subsequently scheduling the resources can prevent unanticipated adverse impacts on project scope, cost, and/or schedule.

Dependent claims 9-12, 14, and 15 depend directly or indirectly from independent claim 8 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I and II above, Applicants respectfully submit that claims 9-12, 14, and 15 are not anticipated by Kaelicke and respectfully request allowance of these claims.

Claim 16:

Claim 16 includes limitations substantially similar to the limitations discussed in sections I and III above. For at least the reasons established above in sections I and III, Applicants respectfully submit that independent claim 16 is not anticipated by Kaelicke and respectfully request allowance of this claim.

Dependent claims 17-19 depend directly or indirectly from independent Claim 16 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I and III above, Applicants respectfully submit that claims 17-19 are not anticipated by Kaelicke and respectfully request allowance of these claims.

Claim 20:

Claim 20 includes limitations substantially similar to the limitations discussed in sections I-III above. For at least the reasons established above in sections I-III, Applicants respectfully submit that independent claim 20 is not anticipated by Kaelicke and respectfully request allowance of this claim.

IV. Kaelicke does not disclose a series of releases, each having an initial allocation of capacity.

Paragraph 0021 of the specification provides a definition of the term “release” within the context of the claims. Paragraph 0021 defines that a release is a standard, periodically released package that can accommodate software projects of varying sizes and complexities and has a defined resource capacity. Claim 20 recites, “a series of releases for a given time period, each release having an initial allocation of capacity.”

While the term “release” is used throughout the disclosure of Kaelicke, the term “release” only appears to be used in the context of releasing information, releasing resources, or releasing the developed product to the customer. Applicants respectfully submit that Kaelicke does not disclose the claimed series of releases as those terms are defined in light of the specification.

Dependent claims 21-26 depend directly or indirectly from independent claim 20 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I-IV above, Applicants respectfully submit that claims 21-26 are not anticipated by Kaelicke and respectfully request allowance of these claims.

Conclusion

Applicants respectfully submit that the present application is in condition for allowance for the reasons stated above. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

Date: November 20, 2007

/Michael W. Piper/

Michael W. Piper

Reg. No. 39,800

CONLEY ROSE, P.C.
5601 Granite Parkway, Suite 750
Plano, Texas 75024
(972) 731-2288
(972) 731-2289 (facsimile)

ATTORNEY FOR APPLICANTS